

GALLIPOLIS JOURNAL.

Published by Nash & Harper.]

"Truth and Justice."

Volume XV.--Number 31.

GALLIPOLIS, OHIO, JULY 4, 1850.

THE JOURNAL.

Is published every Thursday morning

BY NASH & HARPER,

at the low rates of \$1.75 in advance—\$2.00, paid at the expiration of the year.

Any person sending in five names, accompanied with the cash, will be entitled to a copy gratuitously.

Advertisements will be inserted at the rate of \$1 per square for the first three insertions, and 25 cents per square for each subsequent insertion.

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LAWS OF OHIO.

(BY AUTHORITY.)

AN ACT

For the government of the Ohio Lunatic Asylum, and the care of Idiots and the Insane.

I. APPOINTING POWERS AND DEPUTIES OF OFFICERS.

Sec. 1. Be it enacted by the General Assembly of the State of Ohio, That there shall be a president, and six other directors of the Ohio Lunatic Asylum; they shall be appointed by joint resolution of the General Assembly, and shall serve six years, and until their successors are appointed. When a vacancy occurs during a recess of the General Assembly, it shall be filled by the governor. The person so appointed shall serve until an appointment is made by the General Assembly. The person appointed by the General Assembly shall serve out the residue of the term of the person holding the appointment when the vacancy occurred. The present directors shall serve out their respective terms.

Sec. 2. The directors shall appoint a superintendent, a senior and junior assistant physician, a steward, matron, and such other principal officers as they may deem necessary; they shall fix all salaries, except as may be otherwise provided by law; they shall prescribe rules, regulations and by-laws, for the government of the institution, and shall exercise such control over its government and management as they may think proper.

Sec. 3. The president of the board of directors shall have a general visitatorial and advisory power in the affairs of the institution, and shall receive such compensation for his services as the board of directors may determine. One of the directors shall visit the institution monthly; a majority of them shall visit it together semi-annually; and the whole board shall make at least one such visit during the year. An annual meeting of the board shall be held on the third Tuesday of November.

Sec. 4. The directors shall keep a full account of their proceedings, in a book to be provided for that purpose. Such reports shall be made to them, by the officers of the institution, as they shall from time to time require. The superintendent and treasurer shall each make a full report to them, at their annual meeting. The directors, at that meeting, shall make a full report to the General Assembly. The annual report of the superintendent, and of the treasurer, shall accompany the report of the directors.

Sec. 5. The directors may take and hold in trust any lands conveyed or devised, and any money or other personal effects, given or bequeathed, to be applied to any purpose connected with the institution.

Sec. 6. The directors shall be repaid any expenses actually incurred by them in the performance of the duties of their appointment. Such payment shall be made out of the State treasury, upon the warrant of the Auditor of State, and excepting the president, shall receive no other compensation.

Sec. 7. The Treasurer of State shall be the treasurer of the asylum, and shall collect all debts due therefrom. For any misfeasance, malfeasance or nonfeasance, he and his sureties shall be liable, as in other cases. He shall receive, for his services, an annual salary of one hundred dollars, to be paid out of the State treasury, upon the warrant of the Auditor of State.

Sec. 8. The superintendent shall be the chief executive officer of the institution, and shall have the care and control of every thing connected therewith. He shall employ such attendants, assistants, nurses, servants and other persons, as he may think proper, and may at pleasure discharge them. In all things, however, he shall be subject to the direction and control of the board of directors.

Sec. 9. The superintendent shall be a physician, and a person of acknowledged skill and ability in his profession. He shall not attend to any other business, nor engage in the

practice of his profession, out of the institution. He shall not be subpoenaed in any criminal case, unless the court, or in vacation a judge thereof, shall make a special order that a subpoena issue; and, in such case, a memorandum of such order shall be endorsed upon the subpoena.

Sec. 10. All persons employed in the asylum, while so employed, shall be exempt from serving on juries, from working on the highways, and in time of peace, from serving in the militia; and the certificate of the superintendent, under his official seal, shall be sufficient evidence of such employment.

Sec. 11. The salaries of officers of the asylum fixed by law, shall be paid quarterly out of the State treasury, upon the warrant of the Auditor of State.

II. ADMISSION OF PAY PATIENTS, &c.

Sec. 12. Before any person shall be received into the institution as a pay patient, there shall be produced to the superintendent.

I. The treasurer's receipt for the payment of at least one month's charge in advance.

II. A sufficient obligation, conditioned as hereinafter required.

III. A certificate from some respectable physician setting forth—

1. That the patient is free from infectious disease and vermin.

2. The age of the patient, and a concise history of the case.

3. The duration of the disease, dating from the first symptoms.

4. The supposed exciting cause of the disease.

5. Whether the disease is hereditary.

6. Whether the patient has been subject to epilepsy.

7. Whether the patient has made any attempt to commit any violence upon himself, or others.

8. The medical treatment pursued in the case, and any other circumstances known to the physician, tending to throw further light upon the subject.

No other proceedings shall be necessary for the admission of pay patients.

The obligation above mentioned shall be substantially as follows:

Whereas, an insane person of ———, in the county of ———, has this day been admitted as a patient into the Ohio Lunatic Asylum: Now we, ———, of the county of ———, in the State of Ohio, do jointly and severally promise the superintendent of the said asylum, and his successor in office, that we will faithfully maintain said ———, and find ——— in sufficient and suitable clothing, while ——— may remain in the said asylum; that we will monthly, hereafter, pay in advance all charges of said asylum against said patient.

We also agree to remove said patient from the asylum, when required; to defray reasonable charges in case of ——— elopement, and to reimburse funeral expenses in case of ——— death.

Witness our hands and seals, this ——— day of ———, A. D. 18—

[L. S.] [L. S.]

Sec. 13. If there shall be a balance in the treasury of the institution to the credit of the patient removed from the asylum, the treasurer shall pay it to the person authorized to receive the same.

Sec. 14. If the clerk of the court of common pleas of the proper county shall transmit to the superintendent a certificate, under his official seal, setting forth that any patient in the asylum is in needy circumstances, within the meaning of this act, upon the receipt of such certificate by the superintendent, such person shall be a State patient.

III. ADMISSION OF STATE PATIENTS, &c.

Sec. 15. For the admission of State patients, the following proceedings shall be had: Some citizen residing in the proper county, shall file with a justice of the peace of such county, a statement, in writing, which shall be substantially as follows:

State of Ohio, ——— county ss.

The undersigned, a citizen of the State of Ohio, residing in the said county, hereby states as follows:

—[naming the person] is insane. His insanity is of less than two years' duration, [or, his being at large is dangerous to the safety of the community]; he is in needy circumstances, and has a legal settlement in ——— township, in this county, and an inhabitant of the State of Ohio.

These facts can be proved by ———, and ———, [naming at least two persons, one of whom shall be a respectable physician.] Dated this ——— day of ———, A. D. ———.

A. B.

2. The justice shall thereupon issue subpoenas for the persons named as witnesses, and such other persons

as he may think proper, commanding them to appear before him at a specified time, to testify concerning the facts set forth in said statement. Subpoenas may also be issued for witnesses in behalf of the person alleged to be insane.

3. Before the time specified for the appearance of the witnesses, the justice, with some other justice of the vicinity and of the same county, shall visit the person alleged to be insane.

4. At the time appointed (unless the investigation shall be adjourned over to some other time,) the said justices shall proceed to examine the witnesses in attendance. At least one of the witnesses examined shall be a respectable physician.

Sec. 16. If, after such visit and inquiry, the justices shall be satisfied of the truth of the facts set forth in the statement, they shall require the medical witness forthwith to make out a certificate, such as is required for pay patients by the twelfth section of this act; they shall likewise, themselves, forthwith make out a bill of the costs of this inquest, as fixed by this act, and also a certificate, which shall be substantially as follows:

The State of Ohio, ——— county, ss.

The undersigned, justices of the peace in and for the county aforesaid, hereby certify that we have visited ———, of said county, a person alleged to be insane, and have this day held an inquest in regard to him, according to law. We are satisfied that he is insane; that he has a legal settlement in ——— township, in this county, and is a citizen of the State of Ohio; that he is a fit subject to be sent to the Ohio Lunatic Asylum, to undergo treatment therein; that he is in needy circumstances, within the meaning of the act relating to idiots and lunatics, and that his disease is of less than two years' duration; [if the disease has continued longer than two years, omit the words "less than two years' duration," and insert the following in their place: more than two years' duration; but we are well satisfied that his being at large would be dangerous to the safety of the community.]

Witness our hands, this ——— day of ———, A. D. ———.

A. B. C. D.

Sec. 17. If, after such visit and inquiry, the justices shall not be satisfied of the existence of either of the facts necessary to be certified, to entitle the person alleged to be insane to admission into the asylum, they shall make out a certificate in the same form with that required by the preceding section of this act; setting forth the necessary facts of which they are satisfied, and the necessary facts or facts which are not established to their satisfaction. The medical witness shall also make out a certificate, as above required.

Sec. 18. Immediately after the inquest, the justices shall transmit to the clerk of the court of common pleas of such county, the said statement, in writing, the bill of costs, their certificate, and that of the medical witness. The clerk shall label, file, and carefully preserve the same.

Sec. 19. The justice with whom the statement is filed, shall make a docket entry of the proceedings.

Sec. 20. The clerk of the court of common pleas, upon receiving the certificate of the two justices and of the medical witness, made out according to the sixteenth section of this act, shall forthwith apply to the superintendent for the admission of such person into the asylum. He shall at the same time transmit copies, under his official seal, of said certificates. Upon receiving the application, and said certificates, the superintendent shall immediately advise the clerk whether the patient can be received, and if so, at what time. The clerk shall thereupon, in due season for the conveyance of such person to the asylum by the time appointed, issue his warrant to the sheriff, or any other suitable person, commanding him forthwith to arrest such insane person and convey him to the Ohio Lunatic Asylum. If the clerk be satisfied of its necessity, he may authorize one or more assistants to be employed. Said warrant shall be substantially as follows:

The State of Ohio, ——— county, ss.

Office of the Clerk of the Court of Common Pleas.

To ———: Whereas all the proceedings necessary to entitle ——— to be admitted into the Ohio Lunatic Asylum, as a State patient, have been had according to law, you are hereby commanded forthwith to arrest said person and convey him to said asylum; (and you are hereby authorized to take to your aid ——— assistants, if deemed necessary by you.) After executing this warrant, you shall

make due return thereof to this office.

Witness my hand and seal of office, this ——— day of ———, A. D. ———.

—, Clerk.

Upon receiving said patient, the superintendent shall endorse upon said warrant a receipt, substantially as follows:

Ohio Lunatic Asylum, ——— A. D. ———.

Received this day of ———, the patient named in the within warrant, ——— Superintendent.

This warrant, with the receipt thereon, shall be returned to the clerk who issued the same, and shall be filed by him with the other papers relating to the case. Provided that in all cases, the relatives of the insane person shall have a right, if they choose, to convey him to the asylum. In such case, the warrant shall be directed to one of them; and the person to whom it is directed, and his assistants, shall, if demanded, receive the same compensation allowed for the like services in other cases. Provided, also, that if the medical witness shall not state, in his certificate, that the patient is free from any infectious disease and from vermin, it shall not be the duty of the clerk to apply to the superintendent, as hereinafore provided.

Sec. 21. When the two justices shall certify every thing necessary to entitle the person alleged to be insane, to admission into the asylum, except that he is in needy circumstances, within the meaning of this act, further proof may be made upon that subject before the clerk, and if the clerk shall become satisfied that such person is in needy circumstances, within the meaning of this act, he shall make out a certificate to that effect under his official seal, and forward it to the superintendent, with copies of the certificate of the justices and of the medical witness; and thereupon the same proceedings shall be had, in all respects as if this fact had been originally certified by the two justices; Provided, that if any time before the patient is sent to the asylum, a sufficient bond be executed to the State of Ohio, to be approved by the clerk, for the safe keeping and support of the patient, he shall be delivered to his friends, and all proceeding in the case shall thereupon cease. If, however, the condition of the bond be broken, the clerk may thereupon issue his warrant for the conveyance of the patient to the asylum, as if the bond had not been executed.

Sec. 22. When a State patient is sent to the asylum, it shall be the duty of the clerk to see that the patient is supplied with the proper clothing; and, if not otherwise furnished, the clerk shall purchase it, and in such case the same shall be paid for, upon the certificate of the clerk and the order of the county auditor, out of the county treasury.

For a male patient, such clothing shall be as follows:—A coat, vest, and two pair of pantaloons, all of woolen cloth; two pairs of woolen socks, two pocket handkerchiefs, a black stock or handkerchief for the neck, a good hat of fur or silk, (or comfortable cap,) a pair of shoes or boots, and at least two cotton shirts, and such outside garment as will sufficiently protect him in severe weather.

For a female patient, such clothing shall be as follows:—Two substantial gowns or dresses, two flannel petticoats, two pairs of woolen stockings, one pair of shoes, two handkerchiefs, a decent bonnet, at least two cotton chemises and a large comfortable shawl or cloak.

In both cases, the articles of clothing shall be new, or as good as new, and the woollens of a dark color. Such clothing shall be delivered in good order, with the patient, to the superintendent; and, without such clothing, the superintendent shall not be bound to receive the patient.

Sec. 23. If the clerk shall neglect to issue and deliver to the proper person a warrant for the conveyance of the patient to the asylum, as hereinbefore required, or if the person to whom the warrant is directed shall not, within fifteen days after the receipt thereof, deliver the patient at the asylum, the clerk or person so offending, shall forfeit the sum of fifty dollars, to be recovered with costs, in an action of debt, in the name of the superintendent, for the use of such patient. And if any insane person shall be conveyed to the asylum before the superintendent shall have given notice that he can be received as hereinbefore provided, no fees or compensation whatever shall be paid those by whom he was so conveyed.

Sec. 24. If any person conveying a patient to the asylum, under the provisions of this act, shall convey such patient in company with criminals going to the penitentiary, or shall suffer such patient to drink ardent spirits, the person so conveying him and his assistants, shall forfeit all claim to the compensation allowed them by this act.

Sec. 25. If the clerk of the court of common pleas shall transmit to the superintendent a certificate, under his official seal, setting forth that any state patient in the asylum from his county is no longer in needy circumstances, within the meaning of this act, after the receipt of this certificate, the patient shall be a pay-patient; and in such cases charges shall be made out and paid, and a bond shall be required, as in other cases of pay-patients.

Sec. 26. If, according to the result of the inquest, by two justices, the patient shall be entitled to admission into the asylum, the clerk shall direct how he shall be taken care of until he can be admitted, and if necessary, may direct his confinement in the county poor house or county jail, as he may deem best; and if all things needful be not otherwise supplied, he shall furnish them; and, in such case, the same shall be paid for out of the county treasury, on the certificate of the clerk and the order of the county auditor.

Sec. 27. No idiot or lunatic, sent to the county jail, shall, if it can be avoided, be confined in the same room with a person charged with or convicted of crime.

Sec. 28. When an idiot or a lunatic not entitled to admission into the asylum as a state patient, shall be at large, and this being so at large, shall be attended with danger to himself or others; upon such fact being established by the certificate of two justices of the peace of the county, or the affidavit of some respectable citizen of the county, filed with the clerk of the court of common pleas; the clerk shall thereupon order such idiot or lunatic to be confined and provided for as directed by the twenty-sixth section of this act, and all costs and charges shall be paid as directed in said section: Provided, that if such idiot or lunatic, be not in needy circumstances within the meaning of this act, such costs and charges shall be repaid out of his estate, and may be recovered by suit in the name of the county commissioners upon the common counts, and in such case no evidence shall be necessary but the certificate of the clerk under his official seal, setting forth the particulars and amount of such charges and that the same have been paid out of the county treasury.

Sec. 29. When any person shall be confined as aforesaid, under the order of the clerk, and the attending physician shall certify that he is restored to reason, or that it is no longer necessary to confine him, or if a sufficient bond shall be executed to the State of Ohio, to be approved by the clerk conditioned for his safe keeping and support, the clerk shall thereupon order him to be discharged, or to be delivered to his friends as the case may be, and where an idiot or lunatic shall be so confined, he shall not be discharged or removed, except upon the order or warrant of the clerk, as hereinbefore mentioned; Provided, that nothing herein contained shall be so construed as to deprive the person so confined, of the benefit of the writ of habeas corpus.

Sec. 30. Any patient may be discharged from the asylum, upon the application of the superintendent to one of the directors, and such director's order thereupon. Incurable and harmless patients shall be discharged whenever such discharge is necessary to make room for a recent case from the same county.

Sec. 31. Whenever an order shall be made out for the removal of a State patient from the asylum, the superintendent shall immediately give notice thereof, under his official seal, to the clerk of the court of common pleas of the county from which such patient was sent, and thereupon such clerk shall forthwith issue his warrant to the sheriff of said county, which warrant shall be substantially, as follows:

The State of Ohio, ——— county, ss.

Clerk's office of the Court of Common Pleas.

Whereas, the proper authority has directed that ———, a patient in the Ohio Lunatic Asylum, from this county, be removed from said asylum; you are therefore hereby commanded forthwith to remove said patient, and return him to ——— township, in this county, where he had a legal settlement when he was taken to said asylum.

Witness my hand and seal of office, this ——— day of ———, A. D. ———.

—, Clerk.

Upon receiving said patient, the superintendent shall endorse upon said warrant a receipt, substantially as follows:

Ohio Lunatic Asylum, ——— A. D. ———.

Received this day of ———, the patient named in the within warrant, ——— Superintendent.

This warrant, with the receipt thereon, shall be returned to the clerk who issued the same, and shall be filed by him with the other papers relating to the case. Provided that in all cases, the relatives of the insane person shall have a right, if they choose, to convey him to the asylum. In such case, the warrant shall be directed to one of them; and the person to whom it is directed, and his assistants, shall, if demanded, receive the same compensation allowed for the like services in other cases. Provided, also, that if the medical witness shall not state, in his certificate, that the patient is free from any infectious disease and from vermin, it shall not be the duty of the clerk to apply to the superintendent, as hereinafore provided.

Sec. 21. When the two justices shall certify every thing necessary to entitle the person alleged to be insane, to admission into the asylum, except that he is in needy circumstances, within the meaning of this act, further proof may be made upon that subject before the clerk, and if the clerk shall become satisfied that such person is in needy circumstances, within the meaning of this act, he shall make out a certificate to that effect under his official seal, and forward it to the superintendent, with copies of the certificate of the justices and of the medical witness; and thereupon the same proceedings shall be had, in all respects as if this fact had been originally certified by the two justices; Provided, that if any time before the patient is sent to the asylum, a sufficient bond be executed to the State of Ohio, to be approved by the clerk, for the safe keeping and support of the patient, he shall be delivered to his friends, and all proceeding in the case shall thereupon cease. If, however, the condition of the bond be broken, the clerk may thereupon issue his warrant for the conveyance of the patient to the asylum, as if the bond had not been executed.

Sec. 22. When a State patient is sent to the asylum, it shall be the duty of the clerk to see that the patient is supplied with the proper clothing; and, if not otherwise furnished, the clerk shall purchase it, and in such case the same shall be paid for, upon the certificate of the clerk and the order of the county auditor, out of the county treasury.

For a male patient, such clothing shall be as follows:—A coat, vest, and two pair of pantaloons, all of woolen cloth; two pairs of woolen socks, two pocket handkerchiefs, a black stock or handkerchief for the neck, a good hat of fur or silk, (or comfortable cap,) a pair of shoes or boots, and at least two cotton shirts, and such outside garment as will sufficiently protect him in severe weather.

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In both cases, the articles of clothing shall be new, or as good as new, and the woollens of a dark color. Such clothing shall be delivered in good order, with the patient, to the superintendent; and, without such clothing, the superintendent shall not be bound to receive the patient.

Sec. 23. If the clerk shall neglect to issue and deliver to the proper person a warrant for the conveyance of the patient to the asylum, as hereinbefore required, or if the person to whom the warrant is directed shall not, within fifteen days after the receipt thereof, deliver the patient at the asylum, the clerk or person so offending, shall forfeit the sum of fifty dollars, to be recovered with costs, in an action of debt, in the name of the superintendent, for the use of such patient. And if any insane person shall be conveyed to the asylum before the superintendent shall have given notice that he can be received as hereinbefore provided, no fees or compensation whatever shall be paid those by whom he was so conveyed.

Sec. 24. If any person conveying a patient to the asylum, under the provisions of this act, shall convey such patient in company with criminals going to the penitentiary, or shall suffer such patient to drink ardent spirits, the person so conveying him and his assistants, shall forfeit all claim to the compensation allowed them by this act.

Sec. 25. If the clerk of the court of common pleas shall transmit to the superintendent a certificate, under his official seal, setting forth that any state patient in the asylum from his county is no longer in needy circumstances, within the meaning of this act, after the receipt of this certificate, the patient shall be a pay-patient; and in such cases charges shall be made out and paid, and a bond shall be required, as in other cases of pay-patients.

Sec. 26. If, according to the result of the inquest, by two justices, the patient shall be entitled to admission into the asylum, the clerk shall direct how he shall be taken care of until he can be admitted, and if necessary, may direct his confinement in the county poor house or county jail, as he may deem best; and if all things needful be not otherwise supplied, he shall furnish them; and, in such case, the same shall be paid for out of the county treasury, on the certificate of the clerk and the order of the county auditor.

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The State of Ohio, ——— county, ss.

Clerk's office of the Court of Common Pleas.

Whereas, the proper authority has directed that ———, a patient in the Ohio Lunatic Asylum, from this county, be removed from said asylum; you are therefore hereby commanded forthwith to remove said patient, and return him to ——— township, in this county, where he had a legal settlement when he was taken to said asylum.

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Sec. 26. If, according to the result of the inquest, by two justices, the patient shall be entitled to admission into the asylum, the clerk shall direct how he shall be taken care of until he can be admitted, and if necessary, may direct his confinement in the county poor house or county jail, as he may deem best; and if all things needful be not otherwise supplied, he shall furnish them; and, in such case, the same shall be paid for out of the county treasury, on the certificate of the clerk and the order of the county auditor.

Sec. 27. No idiot or lunatic, sent to the county jail, shall, if it can be avoided, be confined in the same room with a person charged with or convicted of crime.

Sec. 28. When an idiot or a lunatic not entitled to admission into the asylum as a state patient, shall be at large, and this being so at large, shall be attended with danger to himself or others; upon such fact being established by the certificate of two justices of the peace of the county, or the affidavit of some respectable citizen of the county, filed with the clerk of the court of common pleas; the clerk shall thereupon order such idiot or lunatic to be confined and provided for